

**UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MASSACHUSETTS**

ROBERT N. HARRINGTON, Jr., v.))) Plaintiff,)))))) Civil Action No. 05-40115-FDS)))
JAMES M. KREIDLER, Jr., and TOWN OF WINCHESTER, Defendants.))))

**MOTION TO EXTEND DEADLINE FOR
THE FILING OF POST-TRIAL MOTIONS**

The Defendant, James M. Kreidler, Jr., hereby requests an extension of time to October 3, 2008, to file his post-trial motions. In support thereof, he states the following:

The defendant, Mr. Kreidler has retained separate counsel, post trial. His counsel intend on filing a motion based on Dunton v. County of Suffolk, 729 F.2d 903 (2d.Cir. (1984) and Maderosian v. Shamshak, 170 F.R.D. 335 (Dist. Mass. 1997); which states that since Monell v. Department of Social Services, 436 U.S. 658 (1978) when municipalities could be held liable under § 1983 claims for employees' actions taken pursuant to municipal policy, the interests of a municipality and its employee as defendants in a § 1983 action are in conflict. Shamshak, 170 F.R.D. at 339, *citing Dunton*, 729 F.2d at 907. Defendant Kreidler intends to assert that the conflict of interest between himself and the Town prejudiced him and may have resulted in an improper benefit to the municipal defendant.

As Defendant Kreidler's new counsel did not have the benefit of being present during the trial, it is necessary for counsel to obtain copies of the trial transcripts in order to properly present his claims. Said transcripts have been ordered and counsel has been told that they should be completed in approximately three weeks on a rush basis.

Counsel for Town of Winchendon assents to said Motion.

WHEREFORE, the Defendant James M. Kreidler, Jr., requests the court extend the deadline for the filing of post-trial motions from Friday, August 22, 2008 to October 3, 2008.

Defendant, James M. Kreidler, Jr.,
By his Attorneys,

/s/ Valerie A. McCormack
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CERTIFICATE OF SERVICE

I, Valerie A. McCormack, hereby certify that this document has been filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on this date.

Date: August 21, 2008

/s/ Valerie A. McCormack
Valerie A. McCormack